

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
BRIJ BHUSHAN BANSAL	:	VIOLATIONS:
AKHIL BANSAL	:	21 U.S.C. § 846 (conspiracy to
JULIE AGARWAL,	:	distribute controlled substances
a/k/a “Jaya,”	:	– 1 count)
YATINDRA KUMAR AGARWAL	:	21 U.S.C. § 963 (conspiracy to
HIMANSHU KULSHRESTHA	:	import controlled substances –
ATUL VIJAYKUMAR PATIL	:	1 count)
SANJEEV ANANT SRIVASTAV	:	21 U.S.C. § 848 (continuing
JITENDRA ARORA,	:	criminal enterprise – 1 count)
a/k/a “Jitu,”	:	21 U.S.C. § 331(a) (introduction
KEVIN ATKINSON	:	of misbranded drugs into
VICTOR DEVORE	:	interstate commerce – 2 counts)
TOM PETERS	:	18 U.S.C. § 1956(h) (conspiracy to
KELLY ANN COUCHMAN	:	commit money laundering –
MATTHEW JOSEPH MELAO	:	1 count)
CHRISTOPHER GEOFF LAINE	:	18 U.S.C. § 1956(a)(1)
WILLIAM RANDALL REED,	:	(promotional money laundering –
a/k/a “millerlight,”	:	12 counts)
ROHN WALLACE	:	18 U.S.C. § 1956(a)(2)
RICHARD DABNEY	:	(international money laundering –
	:	10 counts)
	:	18 U.S.C. § 1957 (transactional
	:	money laundering – 16 counts)
	:	18 U.S.C. § 982 (criminal
	:	forfeiture)
	:	21 U.S.C. § 853 (criminal
	:	forfeiture)
	:	21 U.S.C. § 970 (criminal
	:	forfeiture)
	:	18 U.S.C. § 2 (aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

Introduction

At all times relevant to this indictment:

Controlled Substances Act

1. The Controlled Substances Act governed the manufacture, distribution, and dispensing of controlled substances in the United States. 21 U.S.C. §§ 801-971.
2. Various prescription drugs were scheduled substances under the Controlled Substances Act. There were five schedules of controlled substances – Schedules I, II, III, IV, and V. Drugs were scheduled into these levels based on their potential for abuse, among other things. Abuse of Schedule II drugs may lead to severe psychological or physical dependence. Abuse of Schedule III drugs may lead to moderate or low physical dependence or high psychological dependence. Abuse of Schedule IV drugs may lead to more limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III. 21 U.S.C. § 812(b)(2), (3) and (4).
3. Title 21, Code of Federal Regulations, Section 1306.04(a) provided:

A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. § 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

4. Codeine, a narcotic, was classified under federal narcotics laws as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1)(7)

5. Codeine combination products containing less than 90 milligrams per dosage unit, including codeine with acetaminophen and codeine with paracetamol, are narcotics and were classified under federal narcotics laws as Schedule III controlled substances. 21 C.F.R. § 1308.13(e)(1)(ii).

6. Ketamine, a commonly abused depressant, was classified under federal narcotics laws as a Schedule III controlled substance. 21 C.F.R. § 1308.13(c)(6).

7. Alprazolam, a commonly abused depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(1). Xanax[®], a prescription drug used to treat anxiety, contained alprazolam, and was therefore classified as a Schedule IV controlled substance.

8. Clonazepam, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(9). Klonopin[®], a prescription drug used to treat anxiety, contained clonazepam, and was therefore classified as a Schedule IV controlled substance.

9. Chlordiazepoxide, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(7). Librium[®], a prescription drug used to treat anxiety, contained chlordiazepoxide hydrochloride, and was therefore classified as a Schedule IV controlled substance.

10. Dextropropoxyphene, a narcotic, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(b)(2). Darvon[®] and Darvocet[®],

prescription drugs used to treat pain, contained propoxyphene, and were therefore classified as a Schedule IV controlled substances.

11. Diazepam, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(14). Valium[®], a prescription drug used to treat anxiety, contained diazepam, and was therefore classified as a Schedule IV controlled substance.

12. Lorazepam, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(27). Ativan[®], a prescription drug used to treat anxiety, contained lorazepam, and was therefore classified as a Schedule IV controlled substance.

13. Modafinil, a stimulant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(e)(7). Provigil[®], a prescription drug used to treat narcolepsy, contained modafinil, and was therefore classified as a Schedule IV controlled substance.

14. Nitrazepam, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(36). Mogadon[®], a prescription drug used to treat insomnia, contained nitrazepam, and was therefore classified as a Schedule IV controlled substance.

15. Pentazocine, a narcotic analgesic, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(f)(1). Talwin[®], a prescription drug used to treat pain, contained pentazocine, and was therefore classified as a Schedule IV controlled substance.

16. Sibutramine hydrochloride, a stimulant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(e)(11). Meridia[®], a prescription drug used for weight loss, contained sibutramine hydrochloride, and was therefore classified as a Schedule IV controlled substance.

17. Zolpidem tartrate, a depressant, was classified under federal narcotics laws as a Schedule IV controlled substance. 21 C.F.R. § 14(c)(50). Ambien[®], a prescription drug used to treat insomnia, contained zolpidem, and was therefore classified as a Schedule IV controlled substance.

The Federal Food, Drug, and Cosmetic Act

At all times relevant to this indictment:

18. Under the Federal Food, Drug, and Cosmetic Act (“FD&C Act”), 21 U.S.C. §§ 301-397, the term “drug” included articles which were (1) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or (2) intended to affect the structure or any function of the body of man. 21 U.S.C. § 321(g)(1)(B) and (C).

19. Some of the drugs regulated under the FD&C Act were “prescription drugs.” “Prescription drugs” were those drugs, which, because of their toxicity or other potential harmful effects, were not safe for use except under the supervision of a practitioner licensed by law to administer such drugs, or which were required to be administered under the professional supervision of a practitioner licensed by law to administer such drugs as a condition of FDA approving any such drug to be placed on the market. 21 U.S.C. § 353(b)(1)(A) and (B).

20. Sildenafil citrate, sold in the United States as Viagra[®], was indicated for the treatment of erectile dysfunction, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

21. Tadalafil, sold in the United States as Cialis[®], and in India as Apcalis, was indicated for the treatment of erectile dysfunction, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

22. Vardenafil, sold in the United States as Levitra[®], was indicated for treatment of erectile dysfunction, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

23. Venlafaxine, sold in the United States as Effexor XR[®] was indicated for treatment of depression, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

24. Carisoprodol, sold in the United States as Soma[®], was indicated for treatment of muscle spasms, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

25. Sertraline, sold in the United States as Zoloft[®], was indicated for treatment of depression, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

26. Tramadol, sold in the United States as Ultram[®], was indicated for treatment of pain, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

27. Paroxetine, sold in the United States as Paxil[®], was indicated for treatment of depression, and was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

28. Codeine, codeine combination products (Tylenol III[®]), ketamine, alprazolam (Xanax[®]), clonazepam (Klonopin[®]), chlordiazepoxide (Librium[®]), dextropropoxyphene (Darvon[®] and Darvocet[®]), diazepam (Valium[®]), lorazepam (Ativan[®]), modafinil (Provigil[®]), nitrazepam (Mogadon[®]), pentazocine (Talwin[®]), sibutramine hydrochloride (Meridia[®]), and zolpidem tartrate (Ambien[®]), described as controlled substances in paragraphs 4-17 above, were also prescription drugs within the meaning of Title 21, United States Code, Section 353(b)(1)(A) and (B).

Defendants

At all times relevant to this indictment:

29. The defendants, acting together as set forth in detail below, operated an entity herein referred to as the “Bansal organization.”

30. Defendant BRIJ BHUSHAN BANSAL was a physician licensed to practice medicine and dispense pharmaceutical drugs in his native India, where he resided at all times material to this indictment. Defendant BRIJ BHUSHAN BANSAL was at no time licensed to practice medicine in the United States, or to prescribe or dispense controlled substances or non-controlled pharmaceutical drugs in the United States. Defendant BRIJ BHUSHAN BANSAL, as the India-based head of the Bansal organization, received orders for pharmaceutical drugs from his customers¹ in the United States and elsewhere, and distributed, dispensed, and

¹As used in this indictment, “customers” refers to the website owners and other individuals who submitted orders to the Bansal organization for shipments of drugs. “Consumers” refers to individuals who placed orders for drugs on the customers’ websites.

caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

31. Defendant AKHIL BANSAL was a physician licensed to practice medicine and dispense pharmaceutical drugs in his native India. Defendant AKHIL BANSAL was at no time licensed to practice medicine in the United States, or to prescribe or dispense controlled substances or non-controlled pharmaceutical drugs in the United States, where he resided, in the Eastern District of Pennsylvania, at all times material to this indictment. Defendant AKHIL BANSAL, as the United States based head of the Bansal organization, received orders for pharmaceutical drugs from customers in the United States and elsewhere, and distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

32. Defendants JULIE AGARWAL and YATINDRA AGARWAL were India-based managers of the Bansal organization who solicited business for the organization by contacting the owners of internet pharmacy websites and offering to fill orders for controlled substance pharmaceutical drugs and non-controlled prescription drugs ordered by their customers. Defendants JULIE AGARWAL and YATINDRA AGARWAL took orders from the website-operator customers of the organization, responded to questions from the website-operator customers, and distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance

pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

33. Defendant HIMANSHU KULSHRESTHA was an India-based member of the Bansal organization who received orders from the owners of internet pharmacy websites, transmitted those orders to depots in India and in the United States, provided tracking numbers to the website-operator customers of the organization showing shipments of drugs to their customers, and sent invoices to the website-operator customers for millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs that had been distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States.

34. Defendant ATUL VIJAYKUMAR PATIL was a manager in the Bansal organization based in Philadelphia, in the Eastern District of Pennsylvania, who assisted defendant AKHIL BANSAL in soliciting an individual to ship controlled substance pharmaceutical drugs for the Bansal organization, accepted currency in payment for controlled substances sold to customers, shipped controlled substances to customers, and established an offshore bank account for the purpose of receiving funds sent by customers of the organization in payment for millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs that had been distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States.

35. Defendant SANJEEV ANANT SRIVASTAV was a physician licensed to practice medicine and dispense pharmaceutical drugs in his native India. Defendant SANJEEV ANANT

SRIVASTAV was at no time licensed to practice medicine in the United States, or to prescribe or dispense controlled substances or non-controlled pharmaceutical drugs in the United States, where he resided at all times material to this indictment. Defendant SANJEEV ANANT SRIVASTAV was a manager in the Bansal organization who, at the direction of defendant BRIJ BHUSHAN BANSAL and defendant AKHIL BANSAL, distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

36. Defendant JITENDRA ARORA was the Canada-based affiliate of several businesses that operated websites through which defendants distributed and dispensed controlled substances. Defendant JITENDRA ARORA received orders from these businesses, forwarded the orders to the Bansal organization, and distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

37. Defendant KEVIN ATKINSON was an affiliate of several businesses that operated websites through which defendants distributed and dispensed controlled substances, and laundered the proceeds thereof. Defendant KEVIN ATKINSON received orders from these businesses, forwarded the orders to the Bansal organization, and distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

38. Defendant VICTOR DEVORE was the Florida-based owner and operator of a business, Big City Corp., that operated various websites through which defendants distributed and dispensed controlled substances. Some of these websites included *www.bigcitymeds.com*, *www.greentreerx.com*, *www.mercomeds.com*, *www.rxapproved.com*, and *www.rxglobally.com*. Defendant VICTOR DEVORE received orders from these websites, forwarded the orders to the Bansal organization, distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

39. Defendant TOM PETERS was the owner and operator of a business that operated a website, *www.myemeds.com*, through which defendants distributed and dispensed controlled substances. Defendant TOM PETERS received orders from these websites, forwarded the orders to the Bansal organization, and distributed, dispensed, and caused to be distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

40. Defendants MATTHEW JOSEPH MELAO and CHRISTOPHER GEOFF LAINE were the owners and operators of a business that operated various websites through which defendants distributed and dispensed controlled substances. Some of these websites included *www.ourprescriptionsforless.com* and *www.yourpharmacyone.com*. Defendants MATTHEW JOSEPH MELAO and CHRISTOPHER GEOFF LAINE received orders from these websites, forwarded the orders to the Bansal organization, and distributed, dispensed, and caused to be

distributed and dispensed to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs in Schedules II, III and IV, as well as millions of dosage units of non-controlled prescription drugs.

41. Defendant WILLIAM RANDALL REED was an individual who responded to a solicitation by defendant BRIJ BHUSHAN BANSAL on an internet bulletin board offering to sell controlled substances. Defendant WILLIAM RANDALL REED thereafter purchased from the Bansal organization at least 20 kilograms of ketamine, a Schedule III controlled substance, for resale to others.

42. Defendant RICHARD DABNEY was a business owner in the Eastern District of Pennsylvania who was offered payment by defendants AKHIL BANSAL and ATUL VIJAYKUMAR PATIL to ship to consumers in the United States, on behalf of the Bansal organization, boxes containing controlled substance pharmaceutical drugs in Schedules II, III and IV, and non-controlled prescription drugs.

43. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least in or about April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
JULIE AGARWAL,
a/k/a "Jaya,"
YATINDRA KUMAR AGARWAL
HIMANSHU KULSHRESTHA
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a "Jitu,"
KEVIN ATKINSON**

**VICTOR DEVORE
TOM PETERS
MATTHEW JOSEPH MELAO
CHRISTOPHER GEOFF LAINE
WILLIAM RANDALL REED,
a/k/a “millerlight,” and
RICHARD DABNEY**

conspired and agreed together, and with others known and unknown to the grand jury, to knowingly and intentionally distribute Schedule II, III and IV controlled substances, including but not limited to, quantities of the following controlled substances: (1) codeine, a Schedule II controlled substance; (2) codeine with paracetamol (PWC), a Schedule III controlled substance; (3) ketamine, a Schedule III controlled substance; (4) alprazolam (the generic form of Xanax[®]), a Schedule IV controlled substance; (5) clonazepam (the generic form of Klonopin[®]), a Schedule IV controlled substance; (6) chlordiazepoxide (the generic form of Librium[®]), a Schedule IV controlled substance; (7) dextropropoxyphene (the generic form of Darvon[®] and Darvocet[®]), a Schedule IV controlled substance; (8) diazepam (the generic form of Valium[®]), a Schedule IV controlled substance; (9) lorazepam (the generic form of Ativan[®]), a Schedule IV controlled substance; (10) modafinil (the generic form of Provigil[®]), a Schedule IV controlled substance; (11) nitrazepam (the generic form of Mogadon[®]) a Schedule IV controlled substance; (12) pentazocine (the generic form of Talwin[®]), a Schedule IV controlled substance; (13) sibutramine hydrochloride (the generic form of Meridia[®]), a Schedule IV controlled substance; and (14) zolpidem tartrate (the generic form of Ambien[®]), a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

OBJECT OF THE CONSPIRACY

44. It was the object of the conspiracy for the conspirators to obtain substantial revenues and profits by illegally offering for sale and selling – without prescriptions – controlled substance pharmaceutical drugs via internet websites and otherwise, by illegally importing and packaging those pharmaceutical drugs and causing them to be shipped to consumers in the United States and elsewhere.

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that:

45. Defendants BRIJ BHUSHAN BANSAL, AKHIL BANSAL, JULIE AGARWAL, YATINDRA KUMAR AGARWAL, and HIMANSHU KULSHRESTHA used e-mail and various internet bulletin boards and chat rooms to offer the services of the Bansal organization to supply controlled substance pharmaceutical drugs to fulfill orders placed by consumers in the United States and elsewhere, principally via internet pharmacy websites. No prescriptions or consultations with physicians were required to fulfill any orders placed by these customers.

46. Defendant BRIJ BHUSHAN BANSAL procured controlled substance pharmaceutical drugs from suppliers in India which had not been approved by the United States government, which he then exported to the United States and elsewhere.

47. Operators of internet pharmacy websites, defendants JITENDRA ARORA, TOM PETERS, VICTOR DEVORE, MATTHEW JOSEPH MELAO, CHRISTOPHER GEOFF LAINE, and KEVIN ATKINSON (collectively referred to in this count as the “website operator defendants”), operated internet website facilities, and entered into agreements with others operating such websites, offering controlled substance pharmaceutical drugs for sale to

consumers without a prescription as required by law. Some of the controlled substance pharmaceutical drugs offered on these websites were (1) codeine, a Schedule II controlled substance; (2) codeine with paracetamol (PWC), a Schedule III controlled substance; (3) ketamine, a Schedule III controlled substance; (4) alprazolam (the generic form of Xanax[®]), a Schedule IV controlled substance; (5) clonazepam (the generic form of Klonopin[®]), a Schedule IV controlled substance; (6) chlordiazepoxide (the generic form of Librium[®]), a Schedule IV controlled substance; (7) dextropropoxyphene (the generic form of Darvon[®] and Darvocet[®]), a Schedule IV controlled substance; (8) diazepam (the generic form of Valium[®]), a Schedule IV controlled substance; (9) lorazepam (the generic form of Ativan[®]), a Schedule IV controlled substance; (10) modafinil (the generic form of Provigil[®]), a Schedule IV controlled substance; (11) nitrazepam (the generic form of Mogadon[®]) a Schedule IV controlled substance; (12) pentazocine (the generic form of Talwin[®]), a Schedule IV controlled substance; (13) sibutramine hydrochloride (the generic form of Meridia[®]), a Schedule IV controlled substance; and (14) zolpidem tartrate (the generic form of Ambien[®]), a Schedule IV controlled substance. Some of the customers of these websites were located in the Eastern District of Pennsylvania.

48. The website operator defendants entered into an agreement with the Bansal organization to illegally ship vast quantities of controlled substance pharmaceutical drugs to the customers patronizing the website operator defendants' websites.

49. The website-operator defendants communicated regularly with the Bansal organization defendants via e-mail and by telephone, in furtherance of the agreement.

50. The website-operator defendants sent regular orders to the Bansal organization via e-mail in the form of spreadsheets containing the names and mailing addresses of consumers in the United States and elsewhere who had ordered drugs through websites maintained by the website-operator defendants.

51. The orders sent by the website-operator defendants were processed by defendants BRIJ BHUSHAN BANSAL, AKHIL BANSAL, JULIE AGARWAL, YATINDRA KUMAR AGARWAL, and HIMANSHU KULSHRESTHA and forwarded to other members of the Bansal organization including defendants AKHIL BANSAL, ATUL VIJAYKUMAR PATIL, SANJEEV ANANT SRIVASTAV, and others, including David Armstrong and Elizabeth Armstrong (both charged elsewhere), for fulfillment.

52. Defendants BRIJ BHUSHAN BANSAL, AKHIL BANSAL, and HIMANSHU KULSHRESTHA regularly sent, and caused to be sent, bulk quantities of controlled substance pharmaceutical drugs to depots in the United States to be used to fulfill orders placed by the website-operator defendants.

53. Controlled substance pharmaceutical drugs were packaged for shipment to consumers in the United States and elsewhere at depots located, at various times during the life of the conspiracy, in the Eastern District of Pennsylvania, in the Eastern District of New York, and in India, among other places, and shipped by defendants AKHIL BANSAL, ATUL VIJAYKUMAR PATIL, SANJEEV ANANT SRIVASTAV, RICHARD DABNEY, David Armstrong, Elizabeth Armstrong and others unknown to the grand jury.

54. Once the controlled substance pharmaceutical drugs were shipped to the consumers, members of the Bansal organization, including BRIJ BHUSHAN BANSAL, AKHIL

BANSAL, JULIE AGARWAL, YATINDRA KUMAR AGARWAL, and HIMANSHU KULSHRESTHA, sent tracking numbers for those packages, via e-mail, to the particular website-operator defendant who had placed the order.

55. The website-operator defendants collected payment in advance, via credit card, from consumers purchasing controlled substance pharmaceutical drugs from their websites.

56. Defendants BRIJ BHUSHAN BANSAL, AKHIL BANSAL, JULIE AGARWAL, YATINDRA KUMAR AGARWAL, and HIMANSHU KULSHRESTHA sent regular invoices to the website-operator defendants for controlled substance pharmaceutical drugs shipped to consumers, and sent frequent reminders when invoices were not paid in a timely fashion.

57. The website-operator defendants paid for controlled substance pharmaceutical drugs supplied to consumers by sending checks and wire transfers to accounts specified by defendants BRIJ BHUSHAN BANSAL, AKHIL BANSAL, and HIMANSHU KULSHRESTHA.

58. From in or about July 2003, the exact date being unknown to the grand jury, until at least April 2005, the defendants and others generated sales in the many millions of dollars.

59. From in or about August 2004, the exact date being unknown to the grand jury, until in or about March 2005, the defendants and others sold at least 400,000 dosage units of controlled substance pharmaceutical drugs in Schedule II, at least 2,700,000 dosage units of controlled substance pharmaceutical drugs in Schedule III, and at least 12,287,000 dosage units of controlled substance pharmaceutical drugs in Schedule IV.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts were committed in the Eastern District of Pennsylvania and elsewhere:

1. In or about January 2004, defendants AKHIL BANSAL and ATUL VIJAYKUMAR PATIL met with defendant RICHARD DABNEY and offered to pay defendant RICHARD DABNEY to mail packages of drugs on their behalf.

2. In or about January 2004, defendant AKHIL BANSAL directed defendant RICHARD DABNEY to use the alias “Leroy Jones” when mailing packages of drugs.

3. Between on or about February 9, 2004, and on or about February 27, 2004, defendants AKHIL BANSAL, ATUL VIJAYKUMAR PATIL and RICHARD DABNEY delivered to Airborne Express in Chester, Pennsylvania, approximately 4,336 packages containing controlled substance pharmaceutical drugs and non-controlled prescription drugs for shipment to consumers throughout the United States.

4. On or about March 27, 2004, defendant JULIE AGARWAL sent an e-mail message to a prospective customer identifying herself as the organization’s sales manager, and quoting prices for shipments to the United States “without any customs problems” for generic Viagra[®] and other prescription drugs.

5. On or about April 7, 2004, defendants AKHIL BANSAL and ATUL VIJAYKUMAR PATIL discussed with defendant RICHARD DABNEY money they owed to him for past shipments of drugs.

6. On or about June 14, 2004, defendant YATINDRA KUMAR AGARWAL sent an e-mail message to a prospective customer identifying himself as the organization’s marketing manager, and quoting prices for shipments to the United States for numerous controlled substance pharmaceutical drugs and other prescription drugs.

7. On or about June 14, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to a prospective customer directing the customer to contact “our representative Dr. Akhil” at a telephone number in Philadelphia to discuss the Bansal organization’s offer to supply controlled substance pharmaceutical drugs to customers in the United States.

8. On or about September 8, 2004, defendant JITENDRA ARORA sent an e-mail message to defendant AKHIL BANSAL stating “attached is the price list we are working with and all our clients are already setup with these prices so we cannot go back and change anything. We can guarantee you volume and timely payment. Please send me back an e-mail or call me and let me know if u can work with these prices and also shipping charges for both India and US.”²

9. On or about September 9, 2004, defendant AKHIL BANSAL visited 105-02 62nd Drive, Fresh Meadows, New York, where controlled substance pharmaceutical drugs were packaged for shipment to consumers by the Bansal organization.

10. On or about September 14, 2004, David Armstrong and Elizabeth Armstrong, both charged elsewhere, shipped and caused to be shipped via the United States Parcel Service approximately 250 packages containing controlled substance pharmaceutical drugs.

11. On or about September 27, 2004, defendant WILLIAM RANDALL REED, who had just purchased a kilogram of ketamine from defendant BRIJ BHUSHAN BANSAL, sent an e-mail message to BRIJ BHUSHAN BANSAL stating: “PLEASE let me know when you get more keys in ASAP! I know you probably get tired of me saying that, but as long as my cousin

² Throughout this indictment, direct quotations from e-mail communications are rendered as in the originals, with all errors in grammar, syntax and spelling intact.

can sell them at the rate he is going, I hate for the business with this product to stop. If there is anyway you can get them in the US without taking major risks, that would be outstanding for ALL of us. Believe me, there is ALOT of money for us to still make!”

12. On or about September 29, 2004, defendant KEVIN ATKINSON sent an e-mail message to defendants BRIJ BHUSHAN BANSAL and AKHIL BANSAL requesting “an updated list of the products available. I would like to include them on my sites.”

13. On or about October 14, 2004, in response to an inquiry by defendant CHRISTOPHER GEOFF LAINE, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant CHRISTOPHER GEOFF LAINE offering to supply “pure medicinal grade Ephedrine hcl in powder form.”

14. On or about October 16, 2004, in response to an inquiry by defendant KEVIN ATKINSON about whether the Bansal organization could supply certain drugs, defendant BRIJ BHUSHAN BANSAL wrote in an e-mail message to defendant ATKINSON: “Ketamine— Minimum 1Kg packing – \$12500 per kg.— can be shipped within 24 hrs to USA address only; Ephedrine – Minimum 1Kg packing – \$7500 per kg.— can be shipped within 5days to USA address only. Generic Sildenafil citrate 100 — \$500 per 1000 tabs – can be shipped within 24 hours to USA address only and \$ 300 per 1000 from India to canada - will be shipped within 24 hours by Fed ex and delivery times will be 6-7 days. For all these items advance payment has to be made.”

15. On or about October 25, 2004, defendant JITENDRA ARORA sent an e-mail message to defendants BRIJ BHUSHAN BANSAL and AKHIL BANSAL stating that “some of my clients wants copies of your drug and export license so they think we are legit.”

16. On or about October 27, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant JITENDRA ARORA, in response to an inquiry by defendant JITENDRA ARORA the day before, that he can supply 100 kilograms of medicinal grade Ephedrine HCl in one-kilogram packages, at \$6,500 per kilogram, every month, but only to the United States, not in Canada, as he does not have the connections needed to get the drug through Canadian customs.

17. On or about October 29, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to an individual offering to supply generic controlled substance pharmaceutical drugs from India, stating that his organization “can dropship your orders in USA and also can supply you in bulk all the Indian generic drugs as per your requirement . . . we can ship up to 400-500 orders per day within 24 hours of receiving your firm orders.”

18. On or about January 4, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant ATUL VIJAYKUMAR PATIL directing defendant PATIL: “after receiving the payment please ship 2 units [of ketamine] and give me the tracking number.”

19. On or about January 11, 2005, defendant ATUL VIJAYKUMAR PATIL sent an e-mail message to defendant SANJEEV ANANT SRIVASTAV enclosing scanned images of three handwritten pages showing the inventory of drugs in the Bansal organization’s inventory in the United States as of December 18, 2004.

20. On or about January 11, 2005, David Armstrong sent to defendant SANJEEV ANANT SRIVASTAV a spreadsheet documenting the present inventory in the New York depot maintained by the Bansal organization, showing more than 4 million pills in stock as of January 7, 2005.

21. On or about January 14, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant SANJEEV ANANT SRIVASTAV with a copy to defendant AKHIL BANSAL, directing defendant SANJEEV ANANT SRIVASTAV to send to a customer in the United States “30,000 tabs - zolpidem 10 mg, 10,000 tabs - Cialis 20 mg, 10,000 tabs - Viagra 100 mg; 200 tabs Modalert 100 mg; 200 tabs - PWC 30 mg; 200 tabs - codeine 15 mg.”

22. On or about January 15, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant KEVIN ATKINSON, explaining that prices had gone up: “the Indian Govt has imposed Narcotic laws strictly. All the drugs which comes under the narcotics category will be obtained directly to the patient from the retailer with a valid doctors prescription only. Thes[e] laws will cause serious problems for us in receiving the medicines from the wholesalers and the dealers.”

23. On or about January 20, 2005, defendants HIMANSHU KULSHRESTHA and BRIJ BHUSHAN BANSAL sent an e-mail message to defendant AKHIL BANSAL with a copy to defendant SANJEEV ANANT SRIVASTAV, enclosing as an attachment a spreadsheet document called “Cartons,” which included details of scores of large-scale bulk shipments of drugs – including most of the controlled substance pharmaceutical drugs described in Paragraphs 4-17, 20-28, 43 and 47, *supra* – from India to the United States between March 2004 and January 12, 2005, and reflecting the dates on which defendant AKHIL BANSAL received the shipments of drugs in the United States.

24. On or about January 24, 2005, defendant SANJEEV ANANT SRIVASTAV sent an e-mail message to defendant AKHIL BANSAL and a copy to defendant ATUL

VIJAYKUMAR PATIL with an attached document showing bulk shipments of drugs from India to the United States.

25. On or about January 24, 2005, defendant HIMANSHU KULSHRESTHA sent an e-mail message to defendant AKHIL BANSAL providing a list of customers owing money to the Bansal organization, stating “as per your order I m sending the pending amounts sheet till today. The total pending amount is \$995,129.63. I think it is very large pending amount on the clients. So please control it and give me the instructions about it.”

26. On or about February 3, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant WILLIAM RANDALL REED, stating: “We have been successful in obtaining the fresh supplies of Keys [*kilograms*] and hope by the next week they will reach US. As soon as they are there ill inform you and immediately send the 3 keys to your cuz. in NY. . . . Any further order will be welcomed at this stage as there is a very big shortage of this product, so you ask your cuz to keep sufficient stocks with him. I am highly grateful to you for your cooperation and the trust in me. Hope our business flourish more in the coming times.”

27. On or about February 3, 2005, defendant HIMANSHU KULSHRESTHA sent an e-mail message to Rohn Wallace, charged elsewhere in this indictment, which stated: “The list which I had sent last night contains both type of medicines, one which we directly ship from NY office and one which we ship from India office to USA then repacked and shipped to the customer.”

28. On or about February 5, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant WILLIAM RANDALL REED, a/k/a “millerlight,” stating: “We will first send the 3 keys to you. . . . Then we will inform you that how many keys we can supply you.

The problem is that India Govt. has placed this product under the Narcotics list. So the manufacturer can give this product to valid license holders under the drug rules and only to those drug manufacturer which are making Inj [*injections*] form [*from*] this. They have to keep all the records of purchase and sales (consumption). If we purchase this under the license we can not show the sales. Hence we are having problems. We have found out some ways to procure this but it may be in limited quantities. We shall keep on trying to get more.”

29. On or about February 12, 2005, one day after extensive worldwide media coverage of a series of lawsuits filed by Microsoft, Inc., and Pfizer, Inc., against internet pharmacies selling generic Viagra[®], defendant AKHIL BANSAL sent an e-mail message to defendant BRIJ BHUSHAN BANSAL telling defendant BRIJ BHUSHAN BANSAL which customers to keep and which customers’ business they should “STOP RIGHT NOW!!!,” noting “already losses 160,000.00 approx., expected more loss 100,000.00 approx., total payments pending 680,000.00 approx.”

30. On or about February 16, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant TOM PETERS, demanding payment of overdue balances and telling defendant TOM PETERS “we will only deal with those clients who pay us fast and will keep only the current invoice due.”

31. On or about February 16, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant TOM PETERS enclosing a letter in which he wrote that the “government of India has posed several restrictions on many medicines and declared them as ‘Narcotic Substance.’ . . . There are huge penalties and even imprisonment as a punishment if someone is found selling them without a prescription. Till now we were supplying you with the

stock we maintain as a buffer but it is now coming to a near end. . . . we have no choice but to pay bribes and premiums to get our medicines. This is possible (and in our benefit) only because of some helpful corrupt people in India. We therefore would be increasing the prices of some medicines which are there in ‘narcotics list’, from 1st of March.”

32. On or about February 16, 2005, in response to an e-mail message from defendant KEVIN ATKINSON, which asked “this product has been banned in USA and Canada (are you sure we can offer this) - seems highly risky to me”; defendant BRIJ BHUSHAN BANSAL replied “we will supply only if there is any order.”

33. On or about February 16, 2005, defendants BRIJ BHUSHAN BANSAL and AKHIL BANSAL, assisted by David Armstrong, created a website – *www.orderspanel.com* – to facilitate the transmission of orders to the Bansal organization.

34. On or about February 17, 2005, defendant VICTOR DEVORE sent an e-mail message to defendants BRIJ BHUSHAN BANSAL and HIMANSHU KULSHRESTHA asking for a prescription for a customer for “a work situation,” noting “if you are able to send the customer a prescription I will submit an additional \$25 to you as a ‘medical consultation fee.’”

35. On or about February 28, 2005, defendants BRIJ BANSAL and AKHIL BANSAL sent an e-mail message to defendant TOM PETERS providing defendant TOM PETERS with a unique login name and password to access the *www.orderspanel.com* website in order to upload orders for controlled substance pharmaceutical drugs from his website.

36. On or about March 7, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant WILLIAM RANDALL REED stating that the package of ketamine he had sent to defendant REED bore a fictitious return name and address.

37. On or about March 7, 2005, defendant WILLIAM RANDALL REED received a package containing approximately two kilograms of ketamine that had been shipped to him by defendant ATUL VIJAYKUMAR PATIL at the direction of defendant BRIJ BHUSHAN BANSAL.

38. On or about March 13, 2005, defendant AKHIL BANSAL sent an e-mail to David Armstrong and Elizabeth Armstrong, with copies to defendants SANJEEV ANANT SRIVASTAV and ATUL VIJAYKUMAR PATIL, stating that his father was having health problems and, while defendant AKHIL BANSAL remains in India with his father, he appoints defendant SANJEEV ANANT SRIVASTAV as his replacement and, “in case of his absence, the decision powers would be given to Atul Patil. . . . I promise that I will not let the business suffer because of my personal problems.”

39. On or about March 13, 2005, defendant SANJEEV ANANT SRIVASTAV sent a reply e-mail message to defendant AKHIL BANSAL stating, in part: “please don’t worry about here. I will take the command”

40. On or about March 23, 2005, defendant HIMANSHU KULSHRESTHA sent an e-mail message to a customer stating: “we are trying hard for Valium 10 but due to government restrictions on Roche India, it is not available. Instead we have ordered 1 million tabs of generic diazepam 10 mg tablets”

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 42 and 44 through 59, and the overt acts of Count One, are incorporated here.

2. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least in or about April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
JULIE AGARWAL,
a/k/a "Jaya,"
YATINDRA KUMAR AGARWAL
HIMANSHU KULSHRESTHA
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a "Jitu,"
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
MATTHEW JOSEPH MELAO
CHRISTOPHER GEOFF LAINE
WILLIAM RANDALL REED,
a/k/a "millerlight," and
RICHARD DABNEY**

conspired and agreed together, and with others known and unknown to the grand jury, to knowingly and intentionally import into the customs territory of the United States, from a place outside thereof, that is, India, Schedule II, III and IV controlled substances, including but not limited to, quantities of the following controlled substances: (1) codeine, a Schedule II controlled substance; (2) codeine with paracetamol (PWC), a Schedule III controlled substance;

(3) ketamine, a Schedule III controlled substance; (4) alprazolam (the generic form of Xanax[®]), a Schedule IV controlled substance; (5) clonazepam (the generic form of Klonopin[®]), a Schedule IV controlled substance; (6) chlordiazepoxide (the generic form of Librium[®]), a Schedule IV controlled substance; (7) dextropropoxyphene (the generic form of Darvon[®] and Darvocet[®]), a Schedule IV controlled substance; (8) diazepam (the generic form of Valium[®]), a Schedule IV controlled substance; (9) lorazepam (the generic form of Ativan[®]), a Schedule IV controlled substance; (10) modafinil (the generic form of Provigil[®]), a Schedule IV controlled substance; (11) nitrazepam (the generic form of Mogadon[®]) a Schedule IV controlled substance; (12) pentazocine (the generic form of Talwin[®]), a Schedule IV controlled substance; (13) sibutramine hydrochloride (the generic form of Meridia[®]), a Schedule IV controlled substance; and (14) zolpidem tartrate (the generic form of Ambien[®]), a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 952.

All in violation of Title 21, United States Code, Section 963.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 42 and 44 through 59, and the overt acts of Count One, are incorporated here.

2. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least in or about April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL
and
AKHIL BANSAL**

engaged in a continuing criminal enterprise in that they:

(a) violated one or more provisions of subchapter I of Chapter 13 of Title 21, United States Code, which are felonies, and such violations were part of a continuing series of violations of subchapter I of Chapter 13 of Title 21, United States Code, including but not limited to, the offenses contained in Counts One and Two of this indictment, and the Overt Acts listed in this indictment at paragraphs 1 through 40 of Count One of this indictment;

(b) the series of violations described in paragraph (a) were undertaken in concert with five or more persons, known and unknown to the grand jury, with respect to whom defendants occupied a position of organizer, a supervisory position and a position of management; and

(c) defendants obtained substantial income and resources from the violations described in paragraphs (a) and (b).

In violation of Title 21, United States Code, Section 848.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 42 and 44 through 59, and the overt acts of Count One, are incorporated here.

2. At all times material to this indictment:

(a) The United States Food and Drug Administration (FDA) was the agency of the United States responsible for, among other things, enforcing the provisions of the Federal Food, Drug, and Cosmetic Act, Title 21, United States Code, Sections 301-397.

(b) Sildenafil citrate, approved to be sold in the United States only under the trade name Viagra[®], was a drug within the meaning of Title 21, United States Code, Section 321(g), and further was a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(A), in that, due to its toxicity and other potentiality for harmful effect, sildenafil citrate was not safe for use except under the supervision of a practitioner licensed by law to administer such drug.

(c) Viagra[®] was also a prescription drug within the meaning of Title 21, United States Code, Section 353(b)(1)(B) because its application, approved by the FDA under Title 21, United States Code, Section 355, limited Viagra[®] to use under the professional supervision of a properly licensed medical practitioner.

(d) Viagra[®], manufactured by Pfizer, Inc., was the only product containing sildenafil citrate approved by FDA to be distributed in the United States, and was the only sildenafil citrate drug product whose labeling claims had been found by FDA to be supported by adequate and well-controlled studies.

(e) A drug was deemed to be misbranded unless its labeling contained adequate directions for use, which was defined by regulation as directions under which a layman can use a drug safely and for the purposes for which it was intended. Title 21, United States Code, Section 352(f); 21 C.F.R. § 201.5.

(f) Prescription drugs were exempt from the adequate directions for use requirement provided that they were properly dispensed under the supervision of a properly licensed medical practitioner. Title 21, United States Code, Section 353(b)(2).

(g) There can be no adequate directions for lay use of a prescription drug and therefore prescription drugs dispensed not under the supervision of a properly licensed medical practitioner were misbranded within the meaning of Title 21, United States Code, Section 352(f).

(h) The act of dispensing prescription drugs without the prescription of a practitioner licensed by law to administer such drug was an act which caused the drug to become misbranded while held for sale. Title 21, United States Code, Section 353(b)(1).

3. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL,
AKHIL BANSAL
JULIE AGARWAL,
a/k/a "Jaya,"
YATINDRA KUMAR AGARWAL
HIMANSHU KULSHRESTHA
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV**

**JITENDRA ARORA,
a/k/a “Jitu,”
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
MATTHEW JOSEPH MELAO and
CHRISTOPHER GEOFF LAINE,**

with the intent to defraud and mislead, introduced and caused the introduction and delivery for introduction into interstate commerce from various locations in India, to various locations in the United States, including the Eastern District of Pennsylvania, millions of articles of sildenafil citrate, an unapproved form of Viagra[®], which were misbranded in one or more of the following ways:

- (a) within the meaning of Title 21, United States Code, Section 352(f) in that their labeling contained inadequate directions for use;
- (b) within the meaning of Title 21, United States Code, Sections 353(b)(1) and 331(k) in that they were dispensed without the prescription of a practitioner licensed by law to administer such drug; and
- (c) within the meaning of Title 21, United States Code, Section 352(i)(2) in that they were sold as an imitation of another drug, that is, Viagra[®];

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 42 and 44 through 59, and the overt acts of Count One, are incorporated here.

2. At all times material to this indictment:

(a) The United States Food and Drug Administration (FDA) was the agency of the United States responsible for, among other things, enforcing the provisions of the Federal Food, Drug, and Cosmetic Act, Title 21, United States Code, Sections 301-397.

(b) Codeine, a narcotic Schedule II controlled substance; codeine with paracetamol (PWC), a narcotic Schedule III controlled substance; ketamine, a Schedule III controlled substance; alprazolam, a Schedule IV controlled substance; clonazepam, a Schedule IV controlled substance; chlordiazepoxide, a Schedule IV controlled substance; dextropropoxyphene, a Schedule IV controlled substance; diazepam, a Schedule IV controlled substance; lorazepam, a Schedule IV controlled substance; modafinil, a Schedule IV controlled substance; nitrazepam, a Schedule IV controlled substance; pentazocine, a Schedule IV controlled substance; sibutramine hydrochloride, a Schedule IV controlled substance; and zolpidem tartrate, a Schedule IV controlled substance, are all drugs within the meaning of Title 21, United States Code, Section 321(g), and further were prescription drugs within the meaning of Title 21, United States Code, Section 353(b)(1)(A), in that, due to their toxicity, potential for abuse, and other potentiality for harmful effect, they were not safe for use except under the supervision of a practitioner licensed by law to administer such drug.

3. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least in or about April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
JULIE AGARWAL,
a/k/a “Jaya,”
YATINDRA KUMAR AGARWAL
HIMANSHU KULSHRESTHA
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a “Jitu,”
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
MATTHEW JOSEPH MELAO
CHRISTOPHER GEOFF LAINE
WILLIAM RANDALL REED,
a/k/a “millerlight,”**

with the intent to defraud and mislead, introduced and caused the introduction and delivery for introduction into interstate commerce from various locations in India, to various locations in the United States, including the Eastern District of Pennsylvania, millions of prescription drug products containing codeine, a narcotic Schedule II controlled substance; codeine with paracetamol (PWC), a narcotic Schedule III controlled substance; ketamine, a Schedule III controlled substance; alprazolam, a Schedule IV controlled substance; clonazepam, a Schedule IV controlled substance; chlordiazepoxide, a Schedule IV controlled substance; dextropropoxyphene, a Schedule IV controlled substance; diazepam, a Schedule IV controlled substance; lorazepam, a Schedule IV controlled substance; modafinil, a Schedule IV controlled substance; nitrazepam, a Schedule IV controlled substance; pentazocine, a Schedule IV

controlled substance; sibutramine hydrochloride, a Schedule IV controlled substance; and zolpidem tartrate, a Schedule IV controlled substance, which drugs were misbranded within the meaning of Title 21, United States Code, Section 353(b)(1) in that the drugs were dispensed without a prescription as required by law.

All in violation of Title 21, United States Code, Sections 331(a), 353(b)(1) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 42 of Count One are incorporated here, with the addition of the following defendants:

(a) Defendant KELLY ANN COUCHMAN was associated with the website *www.myemed.com*. Defendant KELLY ANN COUCHMAN received payments from a company which is known to process credit card payments for internet pharmacy websites and then caused payments to be made to the Bansal organization for controlled substance pharmaceutical drugs shipped by the Bansal organization to customers of *www.myemed.com*.

(b) Defendant ROHN WALLACE was the owner and operator of a business that operated various websites through which defendants distributed and dispensed controlled substances. Some of these websites included *www.usarxpress.com* and *www.discountmedsonline.com*. Defendant ROHN WALLACE received orders from these websites, forwarded the orders to the Bansal organization, distributed, dispensed, and caused to be distributed and dispensed, to consumers in the United States, millions of dosage units of controlled substance pharmaceutical drugs, in Schedules, II, III and IV, as well as millions of dosage units of non-controlled prescriptions drugs, and laundered the proceeds therefrom.

2. Beginning in or before July 2003, the exact date being unknown to the grand jury, and continuing until at least in or about April 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a “Jitu,”
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
KELLY ANN COUCHMAN
MATTHEW JOSEPH MELAO,
CHRISTOPHER GEOFF LAINE, and
ROHN WALLACE**

conspired and agreed, together and with others known and unknown to the grand jury:

(a) To conduct financial transactions affecting interstate and foreign commerce which involved the proceeds of specified unlawful activity; that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and the use of a facility in interstate and foreign commerce to promote an unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3), knowing that property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were intended to promote the carrying on of such specified unlawful activity; in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and

(b) To transport, transmit, and transfer, and attempt to transport, transmit and transfer funds from a place in the United States to and through a place outside the United States, and to a place in the United States from and through a place outside the United States, with the intent of promoting the carrying on of specified unlawful activity; that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of

Title 21, United States Code, Sections 841(a)(1) and 846; and the use of a facility in interstate and foreign commerce to promote an unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3); in violation of Title 18, United States Code, Section 1956(a)(2)(A); and

(c) To knowingly engage and attempt to engage in monetary transactions affecting interstate and foreign commerce in criminally derived property of a value greater than \$10,000 and derived from specified unlawful activity; that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and the use of a facility in interstate and foreign commerce to promote an unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3); in violation of Title 18, United States Code, Section 1957.

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that:

3. Defendants JITENDRA ARORA, TOM PETERS, KELLY ANN COUCHMAN, ROHN WALLACE, VICTOR DEVORE, MATTHEW JOSEPH MELAO, CHRISTOPHER GEOFF LAINE, and KEVIN ATKINSON (collectively referred to in this count as the “website operator defendants”), operated internet website facilities, and entered into agreements with others operating such websites, offering controlled substance pharmaceuticals for sale, and entered into agreements with credit card processing companies and other individuals and entities, located in the United States and in foreign countries, enabling customers seeking to purchase controlled substance pharmaceutical drugs on the websites to pay for these drugs through credit cards.

4. The website operator defendants opened and caused to be opened bank accounts in the United States and offshore in foreign countries to facilitate remittances from credit card processors and others and to facilitate payments to the suppliers of these controlled substance pharmaceutical drugs, that is, defendants AKHIL BANSAL, BRIJ BHUSHAN BANSAL, ATUL VIJAYKUMAR PATIL and SANJEEV ANANT SRIVASTAV (collectively referred to in this count as the “supplier defendants”), on a regular, ongoing basis.

5. The website operator defendants caused remittances to be made, by international and domestic wire transfers and otherwise, and sometimes through correspondent banks located in New York, Florida and elsewhere, from these credit card processors and other entities on a regular basis, which remittances were based upon customer credit card charges for controlled substance pharmaceutical purchases.

6. The website operator defendants entered into an agreement with the supplier defendants to illegally ship vast quantities of controlled substance and non-controlled substance pharmaceutical drugs to the customers patronizing the website operator defendants’ websites, and communicated regularly with the supplier defendants, by e-mail communication facilities and by telephone, in furtherance of the agreement.

7. The supplier defendants opened and caused to be opened bank accounts in the United States and offshore in India, the Channel Islands and elsewhere to facilitate the receipt of payments from the website operator defendants, to facilitate the payment of funds to other individuals supplying illegal pharmaceutical drugs to the supplier defendants, to remove the proceeds of their crimes from the United States in order to avoid detection and confiscation by

law enforcement, and to otherwise facilitate financial and monetary transactions in furtherance of the illegal importation and drug distribution business.

8. The supplier defendants, after shipping illegal controlled substance pharmaceutical drugs to customers of the website operator defendants, sent and caused to be sent detailed invoices to the website operator defendants by e-mail, provided wire transfer and payment instructions to the website operator defendants, demanded that funds be remitted, and received payments to the supplier defendants' bank accounts in payment for the controlled substance pharmaceutical drugs shipped at the request of the website operator defendants.

9. The website operators defendants caused domestic and international wire transfers to be made, checks to be executed and otherwise caused funds to be transferred to themselves and others in furtherance of their illegal activities, including transfers made to the supplier defendants in payments for controlled substances.

10. The supplier defendants made and received payments to and from each other, to domestic and offshore bank accounts maintained in the Channel Islands, India and elsewhere, and made payments to other individuals, in furtherance of their illegal drug importation and distribution organization and to realize the benefit of their illegal activities.

11. Defendants KELLY ANN COUCHMAN and TOM PETERS engaged in deliberately complex financial transactions designed to hide the nature of their illegal activities and the source of their revenues. These included the receipt of numerous international wire transfers from a credit card processor, the transfer of those funds to other bank accounts, the writing of personal checks drawn on these accounts in order to purchase bank checks made payable to defendant KELLY ANN COUCHMAN, defendant AKHIL BANSAL and other

individuals, the deposit of those bank checks into other bank accounts, and the structuring of cash withdrawals to avoid currency reporting requirements. Defendants KELLY ANN COUCHMAN and TOM PETERS caused payments to be made to bank accounts in the name of defendant AKHIL BANSAL in excess of \$1.1 million dollars between in or about November 2003 and in or about April 2005.

12. Defendant JITENDRA ARORA maintained bank accounts in the United States, in Canada, and in the Caribbean in order to facilitate the receipt and payment of funds in furtherance of his illegal activities described above, and caused payments to be made, sometimes to and through U.S. correspondent banks, to accounts in the United States and abroad in the name of defendants AKHIL BANSAL and ATUL VIJAYKUMAR PATIL, in excess of \$1,400,000 between in or about September 2004 and in or about April 2005.

13. Defendant ROHN WALLACE maintained bank accounts in Ireland in order to facilitate the receipt and payment of funds in furtherance of his illegal activities described above, and caused payments, through U.S. correspondent bank accounts, to be made to accounts maintained by defendant AKHIL BANSAL in excess of \$620,000 between in or about May 2004 and in or about April 2005.

14. Defendant VICTOR DEVORE maintained a bank account in Florida in order to facilitate the receipt and payment of funds in furtherance of his illegal activities, and caused payments to be made to accounts maintained by defendant AKHIL BANSAL, in excess of \$135,000 between in or about July 2004 and in or about April 2005.

15. Defendants MATTHEW JOSEPH MELAO and CHRISTOPHER GEOFF LAINE maintained bank accounts in the United States, Switzerland, and Korea in order to facilitate the

receipt and payment of funds in furtherance of their illegal activities, and caused Western Union transfers and other payments, sometimes through U.S. correspondent banks, to be made to accounts maintained in the United States and abroad by defendant AKHIL BANSAL, in excess of \$130,000 between in or about July 2004 and in or about April 2005.

16. Defendant KEVIN ATKINSON maintained bank accounts in the United States, Canada and elsewhere in order to facilitate the receipt and payment of funds in furtherance of his illegal activities, and caused wire transfers, sometimes through U.S. correspondent bank accounts, to be made to accounts maintained by defendants AKHIL BANSAL and SANJEEV ANANT SRIVASTAV in the United States and in India, in excess of \$990,000 between in or about January 2004 and in or about April 2005.

17. Members of the International Pharmacy website group (charged elsewhere) communicated with the supplier defendants via e-mail, telephone and meetings; and made substantial payments of more than \$3,000,000 to the supplier defendants' bank accounts in the United States and in foreign countries from their accounts, between in or about July 2003 and in or about April 2005, in payment for controlled substance and non-controlled pharmaceuticals supplied by the supplier defendants.

18. The supplier defendants received payments from other website operators in exchange for shipments of controlled substance pharmaceutical drugs made to customers of those other website operators.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about July 7, 2003, defendant AKHIL BANSAL opened a bank account at Wachovia Bank, 1500 Market Street, Philadelphia, Pennsylvania, listing the address 7901 Henry Avenue, Apartment E 108, Henry on the Park, Philadelphia, PA 19128 as the address on the account.

2. In or about January 2004, defendant AKHIL BANSAL opened a bank account at Fleet Bank, 1600 John F. Kennedy Blvd., Philadelphia, Pennsylvania, listing the address 7901 Henry Avenue, Henry on the Park, Apartment E 108, Philadelphia, Pennsylvania as the address on the account.

3. On or about January 29, 2004, defendant AKHIL BANSAL opened a bank account with Bank of America, listing the address 7901 Henry Avenue, Apartment E 108, Philadelphia PA 19128 as the address on the account.

4. On or about February 6, 2004, defendant AKHIL BANSAL opened a bank account with JP Morgan/Chase Manhattan Bank listing the address 7901 Henry Avenue, Apartment E 108, Philadelphia, PA 19128 as the address on the account.

5. On or about November 1, 2004, defendant AKHIL BANSAL opened a bank account at Commerce Bank, 8301 Henry Avenue, Philadelphia, Pennsylvania, listing the address 7901 Henry Avenue, Apartment E 108, Philadelphia, PA, as the address on the account.

6. In or about March and April 2004, defendant KELLY ANN COUCHMAN established bank accounts at RBC Centura Bank, Sarasota, Florida in the name of Kelly Couchman and "Kelly Couchman d/b/a Global Health Care."

7. In or about September 2003, defendant KELLY ANN COUCHMAN established bank accounts at Wachovia Bank, Sarasota, Florida.

8. On or about September 7, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant TOM PETERS at *myemeds@myemds.com* and attached to the e-mail message a document entitled “MY-MEDS-INVOICE-83,” which listed 109 separate shipments of pharmaceutical drugs, with customer names and addresses in the United States and elsewhere, which included alprozolam, a controlled substance in Schedule IV; Darvon[®], a controlled substance in Schedule IV; codeine, a controlled substance in Schedule II; diazepam, a controlled substance in Schedule IV; and Ambien[®], a controlled substance in Schedule IV, billing a total of \$10,649.40 for the items reflected on that invoice and identifying an outstanding account balance of \$55,627.13.

9. On or about September 17, 2004, defendant TOM PETERS sent an e-mail message to defendant BRIJ BHUSHAN BANSAL that “I just wanted to let you know that my accountant is not in today and your deposit will be made on Monday for invoices 82 and 83 . . . your money will be in your account on Monday.”

10. On or about September 17, 2004, a wire transfer in the amount of \$71,643.80, originating from the account of “Basel Esc Services Re Ccoinzrx” at Kleinwort Benson (Channel Islands), Ltd., Channel Islands, United Kingdom, through correspondent bank JP Morgan Chase Manhattan Bank, New York, was made into an account maintained by defendant KELLY ANN COUCHMAN at RBC Centura Bank account in Sarasota, Florida.

11. On or about September 21, 2004, at approximately 3:37 p.m, a cash deposit in the amount of \$9,000 was made into a bank account maintained at Wachovia Bank by defendant AKHIL BANSAL at a Wachovia Bank branch in Sarasota, Florida.

12. On or about September 21, 2004, at approximately 4:03 p.m. a cash deposit in the amount of \$7,240 was made into a bank account maintained at Wachovia Bank by defendant AKHIL BANSAL at another Wachovia Bank branch in Sarasota, Florida.

13. On or about September 24, 2004, defendant TOM PETERS sent to defendant BRIJ BHUSHAN BANSAL an e-mail message stating that “today I will have my accountant pay you for invoices 84 and 85. Your check will be in your account today.”

14. On or about September 24, 2004, defendant KELLY ANN COUCHMAN purchased an official RBC Centura Bank check in the amount of \$25,840.50 made payable to defendant AKHIL BANSAL.

15. On or about September 24, 2004, defendant KELLY ANN COUCHMAN caused a deposit to be made of an official RBC Centura Bank check in the amount of \$25,840.50 at a Sarasota, Florida branch of Wachovia Bank, into a bank account maintained at Wachovia Bank by defendant AKHIL BANSAL.

16. On or about January 18, 2005, defendant KELLY ANN COUCHMAN caused a deposit to be made of an official RBC Centura Bank check in the amount of \$33,668.32 at a Sarasota, Florida branch of Wachovia Bank, into a bank account maintained at Wachovia Bank by defendant AKHIL BANSAL.

17. On or about September 13, 2004, defendant ROHN WALLACE sent an e-mail message to defendant BRIJ BHUSHAN BANSAL and asked “. . . may I wire you for this and the last invoice at the same time?”

18. On or about September 14, 2004, defendant BRIJ BHUSHAN BANSAL responded by sending an e-mail message to defendant ROHN WALLACE which stated “. . . We will give you the bank information very soon after contacting Akhil.”

19. On or about September 20, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant ROHN WALLACE with an attached invoice in the amount of \$979.70 for shipments of controlled substance pharmaceutical drugs, ordered by defendant ROHN WALLACE, to consumers for orders submitted by defendant WALLACE, including alprazolam, a controlled substance in Schedule IV; Valium[®], a controlled substance in Schedule IV; codeine, a controlled substance in Schedule II; and Darvon[®], a controlled substance in Schedule IV.

20. On or about September 24, 2004, defendant ROHN WALLACE caused a wire transfer, in the amount of \$3,436, to be deposited into a bank account maintained by defendant AKHIL BANSAL at Bank of America, originating from AIB Bank, Dublin, Ireland, through correspondent bank Deutsche Bank Trust Co. Americas, New York.

21. On or about January 4, 2005, defendant ROHN WALLACE caused a wire transfer, in the amount of \$49,975, to be deposited into a bank account maintained by defendant AKHIL BANSAL at Bank of America, originating from AIB Bank, Dublin, Ireland, through correspondent bank Deutsche Bank Trust Co. Americas, New York.

22. On or about January 27, 2005, defendant ROHN WALLACE caused a wire transfer in the amount of \$51,277.50 to be deposited into a bank account maintained by defendant AKHIL BANSAL at Fleet Bank, originating from AIB Bank, Dublin, Ireland, through correspondent bank Deutsche Bank Trust Co., Americas, New York.

23. On or about September 2, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant VICTOR DEVORE with an attached invoice listing 95 separate shipments of pharmaceutical drugs to consumers for orders submitted by defendant DEVORE, reflecting customer names and addresses in the United States, which invoice included controlled substances Valium[®], a controlled substance in Schedule IV; Xanax[®], a controlled substance in Schedule IV; Ambien[®], a controlled substance in Schedule IV; Ativan[®], a controlled substance in Schedule IV; Librium[®], a controlled substance in Schedule IV, and other pharmaceutical drugs, billing a total of \$6,590 for the shipments reflected on that invoice.

24. On or about September 17, 2004, defendant VICTOR DEVORE sent an e-mail message to defendant BRIJ BHUSHAN BANSAL stating “. . . I have sent a wire to you today . . . and here is a small order pack. I didn’t know you had 2mg Xanax, so I was using another pharmacy”

25. On or about September 20, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant VICTOR DEVORE stating: “Thanks for the orders. Please inform us the amount of the wire transfer and to which bank account so that we may tally. Thanks. Brij.”

26. On or about September 17, 2004, defendant VICTOR DEVORE caused a wire transfer, in the amount of \$6,264.48, to be made from Bank of America, Florida, to a bank account maintained at Bank of America by defendant AKHIL BANSAL in Philadelphia.

27. On or about October 27, 2004, defendant VICTOR DEVORE caused a wire transfer, in the amount of \$14,426, to be made from Bank of America, Florida, to a bank account maintained at the Bank of America by defendant AKHIL BANSAL in Philadelphia, PA.

28. On or about October 9, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant JITENDRA ARORA directing defendant JITENDRA ARORA to send the wire transfer to a bank account maintained by defendant AKHIL BANSAL at Bank of America in Philadelphia, PA.

29. On or about October 11, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant JITENDRA ARORA attaching an invoice for the shipment of 181 orders for pharmaceutical drugs shipped to consumers for orders submitted by defendant JITENDRA ARORA, reflecting customer names and addresses, all for the generic form of Vicodin[®] (later clarified through e-mail messages as generic paracetamol with codeine, a narcotic controlled substance in Schedule III), for a total billing of \$17,380 for that invoice.

30. On or about October 13, 2004, defendant JITENDRA ARORA caused a wire transfer in the amount of \$17,365, to be made from The Bank of Nevis, Nevis, West Indies, to a bank account maintained by defendant AKHIL BANSAL at Bank of America in Philadelphia.

31. On or about November 15, 2004, defendant JITENDRA ARORA caused a wire transfer, in the amount of \$29,970, to be made from The Bank of Nevis, Nevis, West Indies, to a bank account maintained by defendant AKHIL BANSAL at Bank of America in Philadelphia.

32. On or about November 26, 2004, defendant JITENDRA ARORA caused a wire transfer, in the amount of \$23,989.25, to be made from The Bank of Nevis, Nevis, West Indies, to a bank account maintained by defendant AKHIL BANSAL at Commerce Bank, Philadelphia.

33. On or about November 29, 2004, defendant JITENDRA ARORA sent an e-mail message to defendant BRIJ BHUSHAN BANSAL informing him that "A wire was sent today for \$16,000 I need to talk to akhil so i can explain to him the accounts."

34. On or about January 15, 2005, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant JITENDRA ARORA stating “From now on please transfer the funds in the following Bank account. The funds should be in round figure as 10-15-20000 so that it could not look like a business transaction,” and provided details for a bank account maintained by defendant ATUL VIJAYKUMAR PATIL at HSBC Bank International Limited, St. Helier, Jersey, Channel Islands.

35. On or about August 10, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant MATTHEW JOSEPH MELAO with an attached invoice reflecting shipments of pharmaceutical drugs to consumers for orders placed by defendant MELAO, listing customer names and addresses, and identifying the controlled substance pharmaceutical drugs that had been shipped, including diazepam, a controlled substance in Schedule IV; codeine, a controlled substance in Schedule II; and alprazolam, a controlled substance in Schedule IV, for a total amount owed of \$1,416.10.

36. On or about September 28, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant MATTHEW JOSEPH MELAO advising “We have given the Information of the Fleet Bank account. We are having a account with this Bank and the money may be directly transferred to this bank.”

37. On or about September 28, 2004, defendant MATTHEW JOSEPH MELAO caused a wire transfer, in the amount of \$4,746.90, to be made from First American Bank, Texas, and deposited into a bank account maintained by defendant AKHIL BANSAL at Fleet Bank, Philadelphia.

38. On or about October 6, 2004, defendant CHRISTOPHER GEOFF LAINE sent an e-mail message to defendant BRIJ BHUSHAN BANSAL, with a copy to defendant MATTHEW JOSEPH MELAO, asking to “Please provide me with wire transfer instructions as I will be making the wires to you from Korea, or Switzerland, rather than Matthew from Romania. I will not be using Western Union but will be making direct bank wire transfers through one of the two banks.”

39. On or about October 6, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant CHRISTOPHER GEOFF LAINE providing wire transfer instructions to a bank account maintained by AKHIL BANSAL at ICICI Bank, India.

40. On or about October 13, 2004, defendant CHRISTOPHER GEOFF LAINE sent an e-mail message to defendant BRIJ BHUSHAN BANSAL captioned “Wire instructions please” and stating, in the body of the message, “Thank you, Matthew got the instructions to me and I made the transfer on Friday through Korea Exchange bank.”

41. On or about August 16, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail to *holly@performancemarketingltd.com* and attached to the message an invoice for the shipment of pharmaceutical drugs to consumers, for orders placed by and on behalf of defendant KEVIN ATKINSON, which contained customer names and addresses and the controlled substance pharmaceutical drugs that had been shipped, including PWC (paracetamol with codeine), a controlled substance in Schedule III; Darvon[®], a controlled substance in Schedule IV; Ambien[®], a controlled substance in Schedule IV; and Xanax[®], a controlled substance in Schedule IV.

42. On or about September 3, 2004, defendant KEVIN ATKINSON caused a wire transfer, in the amount of \$10,015, to be made from RBC Centura Bank, North Carolina, to an account maintained by defendant AKHIL BANSAL at ICICI Bank, India.

43. On or about September 16, 2004, defendant BRIJ BHUSHAN BANSAL sent an e-mail message to defendant KEVIN ATKINSON stating “please send the wire transfer to the new account we are giving as we facing some problems with our Indian bank account,” and provided bank account details for an account maintained by defendant AKHIL BANSAL at Wachovia Bank in Philadelphia.

44. On or about September 28, 2004, defendant KEVIN ATKINSON caused a wire transfer, in the amount of \$10,101, to be made from RBC Centura Bank, North Carolina, and deposited into an account maintained by defendant AKHIL BANSAL at Wachovia Bank in Philadelphia.

45. On or about February 8, 2005, defendant AKHIL BANSAL sent an e-mail message from Philadelphia to defendant KEVIN ATKINSON stating “The orders will go out today.”

46. On or about January 13, 2005, defendant KEVIN ATKINSON caused a wire transfer, in the amount of \$5,956.65, to be made to an account maintained by defendant SANJEEV ANANT SRIVASTAV at Fleet Bank.

47. On or about November 18, 2004, defendant SANJEEV ANANT SRIVASTAV deposited a check, in the amount of \$35,000, made by defendant AKHIL BANSAL and drawn on defendant AKHIL BANSAL’s Bank of America account in Philadelphia.

48. On or about November 27, 2005, defendant SANJEEV ANANT SRIVASTAV negotiated a check, in the amount of \$15,000, made by defendant AKHIL BANSAL and drawn on defendant AKHIL BANSAL's Bank of America account in Philadelphia.

49. On or about December 20, 2004, defendant ATUL VIJAYKUMAR PATIL completed an online bank application to open an account at Standard Chartered Bank, Jersey, Channel Islands, United Kingdom, in which he stated that he expected to send funds to the account totaling \$850,000 per year from accounts in the United States, Ireland and the West Indies.

50. On or about January 11, 2005, defendant ATUL VIJAYKUMAR PATIL sent an e-mail message to defendant AKHIL BANSAL and provided defendant AKHIL BANSAL with bank account details for an account opened and maintained by defendant ATUL VIJAYKUMAR PATIL at HSBC Bank International Ltd. in Jersey, Channel Islands.

51. On or about January 31, 2005, defendant AKHIL BANSAL executed a check to "Data Pro Consulting" in the amount of \$37,667 drawn on his Bank of America account in Philadelphia.

52. On or about February 25, 2005, defendant ATUL VIJAYKUMAR PATIL deposited a check in the amount of \$16,250, made by defendant AKHIL BANSAL and drawn on defendant AKHIL BANSAL's Wachovia Bank account in Philadelphia.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS SEVEN THROUGH TEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**JITENDRA ARORA
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly transported, transmitted, and transferred funds, and aided, abetted and willfully caused the transport, transmitting, and transfer of funds, as set forth below, to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
7	Oct. 13, 2005	\$17,365.00	Wire transfer from The Bank of Nevis, Nevis, West Indies, to Bank of America account of Akhil Bansal, Philadelphia, Pa.
8	Nov. 15, 2004	\$39,985.00	Wire transfer from The Bank of Nevis, Nevis, West Indies, to Bank of America account of Akhil Bansal, Philadelphia, Pa.
9	Nov. 26, 2004	\$23,989.25	Wire transfer from The Bank of Nevis, Nevis, West Indies, to Commerce Bank account of Akhil Bansal, Philadelphia, Pa.
10	Jan. 13, 2005	\$24,985.00	Wire transfer from The Bank of Nevis, Nevis, West Indies, to Bank of America account of Akhil Bansal, Philadelphia, Pa.

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

COUNTS ELEVEN THROUGH THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**TOM PETERS,
KELLY ANN COUCHMAN,
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly engaged in and attempt to engage in, and aided, abetted, and willfully caused, a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, as set forth below, and such property was derived from a specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and the use of a facility in interstate and foreign commerce, in violation of Title 18, United States Code, Section 1952(a)(3):

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Monetary Transaction</i>
11	Oct. 12, 2004	\$44,389.84	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.
12	Nov. 29, 2004	\$38,337.15	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.
13	Jan. 18, 2005	\$33,668.32	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS FOURTEEN THROUGH SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.

2. On or about the dates set forth below, at various locations in the Eastern District of Pennsylvania and elsewhere, defendants

**TOM PETERS,
KELLY ANN COUCHMAN,
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly conducted, and attempted to conduct, and aided, abetted and wilfully caused, the following financial transactions affecting interstate commerce:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
14	Sept. 27, 2004	\$25,840.50	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.
15	Oct. 15, 2004	\$12,225.90	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.
16	Dec. 13, 2004	\$37,964.88	Deposit of RBC Centura Bank check into Wachovia Bank account of Akhil Bansal, Philadelphia, Pa.

3. When conducting, aiding, abetting, and willfully causing, the financial transactions described in paragraph 2 above, defendants TOM PETERS, KELLY ANN COUCHMAN, AKHIL BANSAL and BRIJ BHUSHAN BANSAL knew that the property involved in those financial transactions represented the proceeds of some form of unlawful activity.

4. The financial transactions described in paragraph 2 above involved the proceeds of a specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846; and

the use of a facility in interstate and foreign commerce to promote an unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3), and defendants TOM PETERS, KELLY ANN COUCHMAN, AKHIL BANSAL and BRIJ BHUSHAN BANSAL acted with the intent to promote the carrying on of specified unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNTS SEVENTEEN THROUGH TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**ROHN WALLACE,
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly transported, transmitted, and transferred funds, and aided, abetted and willfully caused the transport, transmitting, and transfer of funds, to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
17	Sept. 24, 2004	\$3436.00	Wire transfer from AIB Bank, Dublin, Ireland to Bank of America account of Akhil Bansal, Philadelphia, Pa.
18	Oct. 14, 2004	\$7570.00	Wire transfer from AIB Bank, Dublin, Ireland, to Bank of America account of Akhil Bansal, Philadelphia, Pa.
19	Jan. 4, 2005	\$49,970.00	Wire transfer from AIB Bank, Dublin, Ireland, to Bank of America account of Akhil Bansal, Philadelphia, Pa.
20	Jan. 27, 2005	\$51,277.50	Wire transfer from AIB Bank, Dublin, Ireland, to Fleet Bank account of Akhil Bansal, Philadelphia, Pa.
21	Jan. 28, 2005	\$50,196.20	Wire transfer from AIB Bank, Dublin, Ireland, to Fleet Bank account of Akhil Bansal, Philadelphia, Pa.

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

COUNTS TWENTY-TWO THROUGH TWENTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.

2. On or about the dates set forth below, at various locations in the Eastern District of Pennsylvania and elsewhere, defendants

**VICTOR DEVORE,
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly conducted and attempted to conduct, and aided, abetted and willfully caused the conducting of, the following financial transactions affecting interstate commerce:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
22	Sept. 17, 2004	\$6264.48	Wire transfer from Bank of America, Fort Lauderdale, FL to Bank of America account of Akhil Bansal, Phila., PA
23	October 27, 2004	\$14,426.00	Wire transfer from Bank of America, Fort Lauderdale, FL to Bank of America account of Akhil Bansal, Phila., PA
24	Nov. 17, 2004	\$14,373.95	Wire transfer from Bank of America, Fort Lauderdale, FL to Bank of America account of Akhil Bansal, Phila., PA
25	Dec. 27, 2004	\$8,892.30	Wire transfer from Bank of America, Fort Lauderdale, FL to Bank of America account of Akhil Bansal, Phila., PA
26	Jan. 7, 2005	\$5,225.60	Wire transfer from Bank of America, Fort Lauderdale, FL to Bank of America account of Akhil Bansal, Phila., PA

3. When conducting, aiding, abetting, and willfully causing, the financial transactions described in paragraph 2 above, defendants VICTOR DEVORE, AKHIL BANSAL and BRIJ BHUSHAN BANSAL knew that the property involved in those financial transactions represented the proceeds of some form of unlawful activity.

4. The financial transactions described in paragraph 2 above involved the proceeds of a specified unlawful activity, that is, the distribution of, and conspiracy to distribute,

controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846, and proceeds from the use of a facility in interstate and foreign commerce to promote an unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3), and defendants VICTOR DEVORE, AKHIL BANSAL and BRIJ BHUSHAN BANSAL acted with the intent to promote the carrying on of specified unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNTS TWENTY-SEVEN THROUGH TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.

2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**MATTHEW JOSEPH MELAO,
CHRISTOPHER GEOFF LAINE
AKHIL BANSAL and
BRIJ BHUSHAN BANSAL**

knowingly conducted and attempted to conduct, and aided, abetted and willfully caused the conducting of, the following financial transactions affecting interstate commerce:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
27	Sept. 17, 2004	\$3,258.00	Wire transfer from First American Bank, Texas to Fleet Bank account of Akhil Bansal, Philadelphia, Pa.
28	Sept. 28, 2004	\$4,746.90	Wire transfer from First American Bank, Texas, to Fleet Bank account of Akhil Bansal, Philadelphia, Pa.

3. When conducting, aiding, abetting, and willfully causing, the financial transactions described in paragraph 2 above, defendants MATTHEW JOSEPH MELAO, CHRISTOPHER GEOFF LAINE, AKHIL BANSAL and BRIJ BHUSHAN BANSAL knew that the property involved in those financial transactions represented the proceeds of some form of unlawful activity.

4. The financial transactions described in paragraph 2 above involved the proceeds of a specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846, and the use of a facility in interstate and foreign commerce to promote an unlawful activity, in

violation of Title 18, United States Code, Section 1952(a)(3), and defendants MATTHEW JOSEPH MELAO, CHRISTOPHER GEOFF LAINE, AKHIL BANSAL and BRIJ BHUSHAN BANSAL acted with the intent to promote the carrying on of specified unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNT TWENTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about July 28, 2004, in the Eastern District of Pennsylvania and elsewhere, defendant

AKHIL BANSAL

knowingly transported, transmitted, and transferred funds from a place in the United States to and through a place outside the United States, that is, a \$20,000 wire transfer from Fleet Bank, Philadelphia, Pennsylvania to HDFC Bank, Hyderabad, India, with the intent to promote the carrying on of specified unlawful activity, that is, the importation and distribution of, and conspiracy to import and distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a), 846, 952, and 963.

In violation of Title 18, United States Code, Section 1956(a)(2)(A).

COUNTS THIRTY THROUGH THIRTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

AKHIL BANSAL

knowingly engaged and attempted to engage in a monetary transaction affecting interstate and foreign commerce in criminally derived property of a value greater than \$10,000, described more fully below, and such property was derived from specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Monetary Transaction</i>
30	Nov. 9, 2004	\$100,000.00	Check drawn on Bank of America account, Philadelphia, Pa, deposited to Fleet Bank, Philadelphia, Pa.
31	Nov. 10, 2004	\$150,000.00	Wire transfer from Fleet Bank account, Philadelphia, Pa. to HSBC Bank, Channel Islands, United Kingdom
32	Nov. 17, 2004	\$100,000.00	Check drawn Bank of America account, Philadelphia, Pa., deposited to Fleet Bank, Philadelphia, Pa.
33	Jan. 15, 2005	\$ 30,000.00	Check drawn on Bank of America account, Philadelphia, Pa, deposited to Bank of America account, New York, payable to DataPro Consulting.
34	Jan. 15, 2005	\$ 37,667.00	Check drawn on Bank of America account, Philadelphia, Pa, deposited to Fleet Bank, New York, payable to DataPro Consulting, Inc.
35	Feb. 22, 2005	\$29,545.00	Check drawn on Wachovia account, Philadelphia, Pa. deposited to Citizens Bank, Philadelphia. Pa.
36	Feb. 22, 2005	\$ 27,500.00	Check drawn on Wachovia Bank account, Philadelphia, deposited to United National Federal Credit Union, New York
37	Feb. 28, 2005	\$ 32,125.00	Check drawn on Wachovia Bank account, Philadelphia, deposited to PNC Bank, Philadelphia, Pa.

All in violation of Title 18, United States Code, Section 1957.

COUNTS THIRTY-EIGHT THROUGH THIRTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**AKHIL BANSAL and
SANJEEV ANANT SRIVASTAV**

knowingly engaged and attempted to engage in, and aided, abetted and willfully caused, a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, and such property was derived from specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Monetary Transaction</i>
38	Nov. 13, 2004	\$35,000.00	Check drawn on Bank of America account, Philadelphia, Pa. and deposited at Fleet Bank.
39	Nov. 30, 2004	\$15,000.00	Check drawn on Bank of America account, Philadelphia, Pa. and deposited at Fleet Bank.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS FORTY THROUGH FORTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.

2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

AKHIL BANSAL

knowingly conducted, and attempted to conduct, the following financial transactions affecting interstate commerce:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
40	Sept. 13, 2004	\$22,500.00	Check drawn on Bank of America, Philadelphia, Pa, deposited into Fleet Bank, payable to DataPro Consulting.
41	Sept. 20, 2004	\$20,000.00	Check drawn on Fleet Bank, Philadelphia, Pa, deposited to Fleet Bank, payable to DataPro Consulting.

3. When conducting the financial transactions described in paragraph 2 above, defendant AKHIL BANSAL knew that the property involved in those financial transactions represented the proceeds of some form of unlawful activity.

4. The financial transactions described in paragraph 2 above involved the proceeds of a specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846, and defendant AKHIL BANSAL acted with intent to promote the carrying on of specified unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

COUNTS FORTY-TWO THROUGH FORTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 18, and the overt acts of Count Six, are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**AKHIL BANSAL and
ATUL VIJAYKUMAR PATIL**

knowingly engaged and attempted to engage in, and aided, abetted and willfully caused, a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, described more fully below, and such property was derived from specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Monetary Transaction</i>
42	Nov. 19, 2004	\$20,000.00	Check drawn on Wachovia Bank account, Philadelphia, Pa. and deposited at Commerce Bank.
43	Jan. 27, 2005	\$45,000.00	Check drawn on Commerce Bank account, Philadelphia, Pa. and deposited at PNC Bank.
44	Feb. 25, 2005	\$16,250.00	Check drawn on Wachovia Bank account, Philadelphia, Pa. and deposited at PNC Bank.

All in violation of Title 18, United States Code, Sections 1957 and 2.

NOTICE OF FORFEITURE NO. 1

THE GRAND JURY FINDS PROBABLE CAUSE THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 963, set forth in this indictment, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
JULIE AGARWAL,
a/k/a “Jaya”
YATINDRA KUMAR AGARWAL
HIMANSHU KULSHRESTHA
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a “Jitu”
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
MATTHEW JOSEPH MELAO
CHRISTOPHER GEOFF LAINE
WILLIAM RANDALL REED,
a/k/a “millerlight,”
and
RICHARD DABNEY**

shall forfeit to the United States of America:

a. any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to, a sum of money equal to at least \$6,000,000 in United States currency, representing the amount of proceeds obtained as a result of the conspiracy to violate the Controlled Substances Act, for which the defendants are jointly and severally liable, and:

(1) **Bank Accounts.**

a) All funds under the control of the above-named defendants
in the following bank accounts constituting or traceable to payments for controlled substances:

<i>Institution</i>	<i>Account Name / Controlled by</i>	<i>Account Number</i>
Wachovia Bank	Akhil Bansal	1010083215380
Wachovia Bank	Akhil Bansal	1010092423642
Fleet Bank	Akhil Bansal	9471696391
Fleet Bank	Akhil Bansal	9483670535
Fleet Bank	Akhil Bansal	CD 881 3637769
Fleet Bank	Akhil Bansal	CD 881 3637777
Fleet Bank	Akhil Bansal	CD 881 3637785
Fleet Bank	Akhil Bansal	CD 881 3637793
Fleet Bank	Akhil Bansal	CD 881 3637806
Bank of America	Akhil Bansal	0041-1013-8363
Bank of America	Akhil Bansal	0041-1013-8376
Commerce Bank	Akhil Bansal	366959724
Commerce Bank	Medisol Consultants Inc. / Akhil Bansal	366425122
Laiki Bank Ltd., Nicosia, Cyprus	Vodaqua, Ltd.	178-33-128048
ICICI Bank Ltd. International Banking Group, New Delhi, India	Akhil Bansal	NRE 000701080886
ICICI Bank Ltd. International Banking Group, Rohini, India	Akhil Bansal	NRE 629801150327
ICICI Bank Ltd. – Mumbai Offshore Bank Unit	Akhil Bansal	83302406
ICICI Bank Ltd., Singapore	Akhil Bansal and “FM”	851001539
ICICI Bank Ltd., Singapore	Akhil Bansal and Brij Bhushan Bansal	851001593
HSBC Bank International Limited, Channel Islands	Akhil Bansal	406162 11931113
Standard Bank Offshore Group Ltd., Channel Islands	Akhil Bansal	unknown

<i>Institution</i>	<i>Account Name / Controlled by</i>	<i>Account Number</i>
Standard Chartered (Jersey) Ltd., Channel Islands	Akhil Bansal	unknown
Barclays Private Clients International Ltd, Isle of Man	Akhil Bansal	unknown
Citizens Bank	“FM”/Akhil Bansal	620484-490-7
Citizens Bank	“FM”/Akhil Bansal	620502-960-3
Citizens Bank	“FM”/Akhil Bansal	6244-455717
PNC Bank	“FM”/Akhil Bansal	86-0630-6342
PNC Bank	“FM”/Akhil Bansal	86-0793-3823
PNC Bank	Atul Patil	86-0641-4167
Commerce Bank	Atul Patil	366960102
Fleet Bank	Atul Patil	94803 00838
Fleet Bank	Atul Patil	94836 70404
HSBC Bank International Limited, Channel Islands	Atul Patil	022-700595-705
Standard Chartered (Jersey) Ltd., Channel Islands	Atul Patil	unknown
Fleet Bank/Bank of America	Sanjeev Srivastav	9510178651
Fifth Third Bank	Sanjeev Srivastav	0030591251
Bank of Nevis International Limited, Charlestown, Nevis, West Indies	RS Corp./Jitendra Arora	unknown
Barrington Bank, St. Johns, Antigua	Quailtec Ventures, Ltd. / Jitendra Arora	211.00.1175
RBC Centura	“DG,” Kevin Atkinson and “CG”	045013-988-6
Barrington Bank, St. Johns, Antigua	Flexton Holdings, Ltd.	unknown
Bank of America	Pro Image Communications, Inc. / Victor Devore	0054 8134 3378

b) All rights and interests to funds maintained by and under the control of the following credit card processing companies:

<i>Credit Card Co.</i>	<i>on Account for</i>
Basel Escrow Services/Ccoinzrx, Jersey, Channel Islands	Kelly Couchman Victor Devore Matthew Joseph Melao, Christopher Geoff Laine
Optimal Payments Ltd., Ireland	Jitendra Arora/RS Corp.
Euro Credit Card Solutions, Inc., Pompano Beach, FL	Jitendra Arora/RS Corp.

(2) **Personal Property.**

a) The following vehicles:

- 1) 2005 Toyota Scion, VIN: JTKKT624150095221,
PA license plate FVT-2562
- 2) 2004 Toyota 4-Runner, VIN:
JTEBU14R540052463, PA license plate FWE-4712
- 3) 2005 Toyota Sequoia, VIN: 5TDBT48A15S234043,
OH license plate DHV-8815
- 4) 2005 Nissan Pathfinder, VIN:
5N1AR18W25C733256, PA license plate
FWF-8359.

b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to:

(1) **Websites.** All interest in and control over the following websites, including the registration of the domain names:

www.herbalamerica.com
www.performancemarketingltd.com

www.bigcitymeds.com
www.mercomeds.com
www.rxapproved.com
www.greentreerx.com
www.rxglobally.com
www.myemeds.com
www.ourprescriptionsforless.com
www.yourpharmacyone.com

wherever registered. Property affiliated with forfeiture of the websites includes, but is not limited to all computers and related electronic devices, contents, data, information, stored electronic communications, code used to generate and process data and other files, in any format whether physical or electronic, including the backups, printouts, and unpublished drafts, which comprise or are used in the preparation and presentation of the websites listed above, regardless of the geographic location of the aforementioned contents.

(2) **Personal Property.**

a) computers, printers, computer hard-drives, CD-ROM readers, Zip diskette drives, computer image scanners, and software;

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Sections 853 and 970.

NOTICE OF FORFEITURE NO. 2

THE GRAND JURY FINDS PROBABLE CAUSE THAT:

1. As a result of the violation of Title 21, United States Code, Section 848, set forth in this indictment, defendants

**BRIJ BHUSHAN BANSAL, and
AKHIL BANSAL**

shall forfeit to the United States of America:

a. any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of the violation charged in this indictment, including, but not limited to, a sum of money equal to at least \$6,000,000 in United States currency, and:

(1) **Bank Accounts.** All funds under the control of the above-named defendants in the following bank accounts constituting or traceable to payments for controlled substances:

<i>Institution</i>	<i>Account Name / Controlled by</i>	<i>Account Number</i>
Wachovia Bank	Akhil Bansal	1010083215380
Wachovia Bank	Akhil Bansal	1010092423642
Fleet Bank	Akhil Bansal	9471696391
Fleet Bank	Akhil Bansal	9483670535
Fleet Bank	Akhil Bansal	CD 881 3637769
Fleet Bank	Akhil Bansal	CD 881 3637777
Fleet Bank	Akhil Bansal	CD 881 3637785
Fleet Bank	Akhil Bansal	CD 881 3637793
Fleet Bank	Akhil Bansal	CD 881 3637806
Bank of America	Akhil Bansal	0041-1013-8363
Bank of America	Akhil Bansal	0041-1013-8376
Commerce Bank	Akhil Bansal	366959724

<i>Institution</i>	<i>Account Name / Controlled by</i>	<i>Account Number</i>
Commerce Bank	Medisol Consultants Inc. / Akhil Bansal	366425122
Laiki Bank Ltd., Nicosia, Cyprus	Vodaqua, Ltd.	178-33-128048
ICICI Bank Ltd. International Banking Group, New Delhi, India	Akhil Bansal	NRE 000701080886
ICICI Bank Ltd. International Banking Group, Rohini, India	Akhil Bansal	NRE 629801150327
ICICI Bank Ltd. – Mumbai Offshore Bank Unit	Akhil Bansal	83302406
ICICI Bank Ltd., Singapore	Akhil Bansal and “FM”	851001539
ICICI Bank Ltd., Singapore	Akhil Bansal and Brij Bhushan Bansal	851001593
HSBC Bank International Limited, Channel Islands	Akhil Bansal	406162 11931113
Standard Bank Offshore Group Ltd., Channel Islands	Akhil Bansal	unknown
Standard Chartered (Jersey) Ltd., Channel Islands	Akhil Bansal	unknown
Barclays Private Clients International Ltd, Isle of Man	Akhil Bansal	unknown
Citizens Bank	“FM”/Akhil Bansal	620484-490-7
Citizens Bank	“FM”/Akhil Bansal	620502-960-3
Citizens Bank	“FM”/Akhil Bansal	6244-455717
PNC Bank	“FM”/Akhil Bansal	86-0630-6342
PNC Bank	“FM”/Akhil Bansal	86-0793-3823

(2) **Personal Property.**

- 1) The following vehicles:
- 2) 2005 Toyota Scion, VIN: JTKKT624150095221,
PA license plate FVT-2562
- 3) 2004 Toyota 4-Runner, VIN:
JTEBU14R540052463, PA license plate FWE-4712

- 4) 2005 Toyota Sequoia, VIN: 5TDBT48A15S234043,
OH license plate DHV-8815
- 5) 2005 Nissan Pathfinder, VIN:
5N1AR18W25C733256, PA license plate FWF-
8359.

b. any property used or intended to be used, in any manner or part, to
commit, or to facilitate the commission of, the violation charged in this indictment, including,
but not limited to:

(1) computers, printers, computer hard-drives, CD-Rom readers,
Zip Diskette Drives, computer image scanners, and software;

c. any interest in, claims against, and property or contractual rights affording
a source of control over the enterprise, as the result of the violation charged in this indictment,
including, but not limited to:

(1) computers, printers, computer hard-drives, CD-ROM readers,
Zip diskette drives, computer image scanners, and software;

2. If any of the property subject to forfeiture, as a result of any act or
omission of the defendants:

- a. Cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE NO. 3

THE GRAND JURY FINDS PROBABLE CAUSE THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1956 and 1957 set forth in this indictment, defendants

**BRIJ BHUSHAN BANSAL
AKHIL BANSAL
ATUL VIJAYKUMAR PATIL
SANJEEV ANANT SRIVASTAV
JITENDRA ARORA,
a/k/a "Jitu"
KEVIN ATKINSON
VICTOR DEVORE
TOM PETERS
KELLY ANN COUCHMAN
MATTHEW JOSEPH MELAO
CHRISTOPHER GEOFF LAINE, and
ROHN WALLACE**

shall forfeit to the United States of America:

a. any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, a sum of money equal to at least \$7,600,000 in United States currency, representing the amount of property involved in the conspiracy to violate the Money Laundering Control Act, for which the defendants are jointly and severally liable, and:

(1) **Bank Accounts.**

a) All funds under the control of the above-named defendants in the following bank accounts:

<i>Institution</i>	<i>Account Name/ Controlled by</i>	<i>Account Number</i>
Wachovia Bank	Akhil Bansal	1010083215380
Wachovia Bank	Akhil Bansal	1010092423642
Fleet Bank	Akhil Bansal	9471696391

<i>Institution</i>	<i>Account Name/ Controlled by</i>	<i>Account Number</i>
Fleet Bank	Akhil Bansal	9483670535
Fleet Bank	Akhil Bansal	CD 881 3637769
Fleet Bank	Akhil Bansal	CD 881 3637777
Fleet Bank	Akhil Bansal	CD 881 3637785
Fleet Bank	Akhil Bansal	CD 881 3637793
Fleet Bank	Akhil Bansal	CD 881 3637806
Bank of America	Akhil Bansal	0041-1013-8363
Bank of America	Akhil Bansal	0041-1013-8376
Commerce Bank	Akhil Bansal	366959724
Commerce Bank	Medisol Consultants Inc. / Akhil Bansal	366425122
Laiki Bank Ltd., Nicosia, Cyprus	Vodaqua, Ltd.	178-33-128048
ICICI Bank Ltd. International Banking Group, New Delhi, India	Akhil Bansal	NRE 000701080886
ICICI Bank Ltd. International Banking Group, Rohini, India	Akhil Bansal	NRE 629801150327
ICICI Bank Ltd. – Mumbai Offshore Bank Unit	Akhil Bansal	83302406
ICICI Bank Ltd., Singapore	Akhil Bansal and “FM”	851001539
ICICI Bank Ltd., Singapore	Akhil Bansal and Brij Bhushan Bansal	851001593
HSBC Bank International Limited, Channel Islands	Akhil Bansal	406162 11931113
Standard Bank Offshore Group Ltd., Channel Islands	Akhil Bansal	unknown
Standard Chartered (Jersey) Ltd., Channel Islands	Akhil Bansal	unknown
Barclays Private Clients International Ltd, Isle of Man	Akhil Bansal	unknown
Citizens Bank	“FM”/Akhil Bansal	620484-490-7
Citizens Bank	“FM”/Akhil Bansal	620502-960-3
Citizens Bank	“FM”/Akhil Bansal	6244-455717
PNC Bank	“FM”/Akhil Bansal	86-0630-6342
PNC Bank	“FM”/Akhil Bansal	86-0793-3823

<i>Institution</i>	<i>Account Name/ Controlled by</i>	<i>Account Number</i>
PNC Bank	Atul Patil	86-0641-4167
Commerce Bank	Atul Patil	366960102
Fleet Bank	Atul Patil	94803 00838
Fleet Bank	Atul Patil	94836 70404
HSBC Bank International Limited, Channel Islands	Atul Patil	022-700595-705
Standard Chartered (Jersey) Ltd., Channel Islands	Atul Patil	unknown
Fleet Bank/Bank of America	Sanjeev Srivastav	9510178651
Fifth Third Bank	Sanjeev Srivastav	0030591251
Bank of Nevis International Limited, Charlestown, Nevis, West Indies	RS Corp./Jitendra Arora	unknown
Barrington Bank, St. Johns, Antigua	Quailtec Ventures, Ltd. / Jitendra Arora	211.00.1175
RBC Centura	“DG,” Kevin Atkinson and “CG”	045013-988-6
Barrington Bank, St. Johns, Antigua	Flexton Holdings, Ltd.	unknown
Bank of America	Pro Image Communications, Inc. / Victor Devore	0054 8134 3378
RBC Centura	Kelly Ann Couchman / Global Health Care	713-000-315-6
RBC Centura	Kelly Ann Couchman	713-300-423-4
RBC Centura	Kelly Ann Couchman	713-900-441-1
Wachovia Bank	Kelly Ann Couchman	1010088269425
Wachovia Bank	Kelly Ann Couchman	3000054248860
AIB Bank, Dublin, Ireland	WCW.com / Rohn Wallace	unknown
AIB Bank, Dublin, Ireland	Rohn Wallace	unknown

(2) **Personal Property.**

- a) Computers, printers, computer hard-drives, CD-Rom readers, Zip Diskette Drives, computer image scanners, and software;

- b) The following vehicles:
- 1) 2005 Toyota Scion, VIN: JTKKT624150095221,
PA license plate FVT-2562
 - 2) 2004 Toyota 4-Runner, VIN:
JTEBU14R540052463, PA license plate FWE-4712
 - 3) 2005 Toyota Sequoia, VIN: 5TDBT48A15S234043,
OH license plate DHV-8815
 - 4) 2005 Nissan Pathfinder, VIN:
5N1AR18W25C733256, PA license plate FWF-
8359
 - 5) 2004 Mercedes Benz, VIN:
WDBSK75F75F086645, FL license plate P40-4BG.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney